

Annual 47 C.F.R. § 64.2009(e) CPNI Certification  
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011 covering the prior calendar year 2010

Reporting Period: 2012 for 2011 Calendar Year

Name of company(s) covered by this certification: DOW Management Company, Inc.

Form 499 Filer ID: 821968

Name of signatory: Weston Edmunds

Title of signatory: Executive Vice President

Certification:

I, Weston Edmunds, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47. C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17. which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to the enforcement action.

Signed



## **STATEMENT OF POLICY AND PROCEDURES**

DOW Networks takes very seriously, and operates in full compliance with the FCC's directives regarding the protection of CPNI. In accordance with such agreement, DOW's policy for use of, and misuse of, CPNI is as follows:

### Use of CPNI

DOW Networks does not use CPNI, distribute CPNI or sell CPNI.

### Misuse of CPNI

DOW Networks has a "zero tolerance" policy as it relates to violations. An employee will be terminated from employment with DOW Networks if the above policy is violated repeatedly or in a single case in what is determined to be a willful manner. Single violations of the above policy, if determined not to be deliberate, will result in disciplinary action and retraining.

## **STEPS TAKEN TO REASONABLY PROTECT CPNI:**

### General Policy

Employees with access to the billing system are made fully aware, and it is stressed in their training, that any misuse of CPNI will result in disciplinary action and that repeated or willful misuse of CPNI will result in termination.

DOW Networks does not have residential customers. Though the requirements for business customers are less stringent in certain, specifically stated areas, DOW Networks does comply with the law and has specific guidelines in place to insure that CPNI violations do not occur.

Up front, CPNI is only given to what we call "billing contact(s)". Usually, billing contact(s) are the person who signed the company's Customer Service Agreement ("CSA") or others named on the CSA. Copies of all CSA's are associated with each account in our Customer Relations Management ("CRM") tool.

The billing contact(s) may designate or approve others to receive CPNI through an email request sent from the email address that we have on file as associated with the billing contact for that account.

When DOW employees receive requests for CPNI:

- They are instructed to verify the request with an existing billing contact who, again, may approve or deny the request through an email from the associated address, or
- They may honor the request for CPNI from a non-verified contact, but the results of the request (for example, a Call Detail Record) may only be sent via email to the valid billing contact.

### Password Use

Telephone requests are not honored without an email from the associated address of a billing contact. When a request for CPNI is received by telephone, the calling party is asked to verify the request with an email from the associated email address.

DOW Networks customers do have access to their own CPNI through three online portals:



1. Billing System Portal (Billing System #1)

- The login and password for this portal are sent directly to the billing contact and cannot be changed remotely by the customer, but only by employees with access to the billing system.
- Once again, these changes can only be made by the billing contact with an email request from the associated address.

2. Billing System Portal (Billing System #2)

- A temporary password is given directly to the billing contact upon account creation. Customers must change their password upon their first attempt to login to the system. This new password cannot be seen from within the billing system.
- Customers can change their password in two ways:
- By using a link on the login page, but the new temporary password is only sent to the billing contact's email address.
- Through the web portal itself, but the login and old password must be supplied.

3. Customer Relations Management Portal

- Our Customer Relations Management tool does link to pages containing CPNI.
- The Login and Password are released by a DOW employee only to the billing contact based on an email request from the associated address or the Login and Password are sent only to the associated address.
- Once received, customers can change their own login/password. However, when they submit a request to change the password, they can only access the password change interface through an email sent to the email address associated with the login name.

Notification of CPNI Policy Changes

DOW Networks has never found it necessary to alter its strict CPNI policy but, in such a case, would notify all customers of this change in policy.

**Use of CPNI in Sales and Marketing Campaigns**

DOW Networks current Marketing Department policy precludes the use, legal or otherwise, of CPNI for marketing campaigns. Were this policy to change, it would follow established guidelines that must be followed. It includes keeping record of the use of the CPNI and mandates having a supervisory review and approval process in place before CPNI was used. The Marketing Department has affirmed that no CPNI was used in any campaign in 2010.

However, if DOW Networks were to use CPNI in marketing campaigns, the company will maintain a record of all sales and marketing campaigns that use the CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.

Dow Networks has implemented a system to obtain prior approval and informed consent from its customers in accordance with the CPNI Rules. This system allows for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.



Prior to commencement of a sales or marketing campaign that utilizes CPNI, Dow Networks will establish the status of a customer's CPNI approval. The following sets forth the procedure that will be followed by the Company:

- Prior to any solicitation for customer approval, Dow Networks will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
- Dow Networks will use opt-in approval for any instance in which Company must obtain customer approval prior to using, disclosing or permitting access to CPNI.
- A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
- Records of approvals are maintained for at least one year.
- Dow Networks provides individual notice to customers when soliciting approval to use, disclose or permit access to CPNI.
- The CPNI notices sent by Dow Networks comply with FCC Rule 64.2008(c).

Dow Networks will also establish a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and will maintain compliance records for at least one (1) year.

#### *FCC Notification*

Company is prepared to provide written notice within five (5) business days to the FCC of any instance where the opt-in mechanisms do not work properly or to such a degree that consumers' inability to opt-in is more than an anomaly.

#### Opt-In, Opt-Out Mechanisms

DOW Networks does not use, distribute or sell CPNI. But DOW Networks does allow the customer to "opt-out" to stay in compliance with mandated FCC guidelines. In signing the CSA, the customer officially consents to DOW Networks to use and disclose Customer CPNI and Confidential Information as described above. Customers may refuse CPNI consent by signing the CSA and by notifying DOW Networks in writing of Customer's decision to withhold Customer's consent. Customer's consent or refusal to consent will remain valid until Customer otherwise advises DOW Networks, and in either case, will not affect DOW Networks' provision of service to Customer. To date, no customer has "opted-out" via the Terms and Conditions. Again, DOW Networks does not use, distribute or sell CPNI. Even so, were DOW Networks to use CPNI in, it would send a valid notice to the customer(s) informing them of the intended use and disclosure of their CPNI information. Knowingly, if the customer would not respond within thirty (30) days, then DOW Networks would be able to use the information.

#### **Third Party Use of CPNI**

To safeguard CPNI, prior to allowing joint ventures or independent contractors access to customers' individually identifiable CPNI, Dow Networks requires all such third parties to enter into a confidentiality agreement that ensure compliance with this Statement of Policy and Dow Networks shall also obtain opt-in consent for a customer prior to disclosing the information to such third parties. In addition, Dow Networks requires all outside agents to acknowledge and certify that they may only use CPNI for the purpose for which that information has been provided.

Dow Networks requires express written authorization from the customer prior to dispensing CPNI to new carriers, except as otherwise required by law.

Dow Networks does not market or sell CPNI information to any third party.

#### **Law Enforcement Notification of Unauthorized Disclosure**

If an unauthorized disclosure of CPNI occurs, Dow Networks shall provide notification of the breach within seven (7) days to the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI").

Dow Networks shall wait an additional seven (7) days from its government notice prior to notifying the affected customers of the breach.

Notwithstanding the above, Dow Networks shall not wait the additional seven (7) days to notify its customers if the Company determines there is an immediate risk of irreparable harm to the customers.

Dow Networks shall maintain records of discovered breaches for a period of at least two (2) years.

#### **Actions taken against Pretexters**

Dow Networks has not taken any actions against data brokers before state commissions, state or federal courts, or the FCC in the past year. Dow Networks has no information, other than information that has been publicly reported, regarding the processes that pretexters are using to attempt to access CPNI.

#### **Customer Complaints**

Dow Networks has not received any customer complaints in the past year concerning the unauthorized release of or access to CPNI.

#### **Annual CPNI Certification**

Pursuant to FCC regulations, 47 C.F.R. § 64.20089(e), Dow Networks will annually submit to the FCC a CPNI Certification of Compliance and accompanying Statement regarding the company's CPNI policies and operating procedures. These documents certify that Dow Networks complied with federal laws and FCC regulations regarding the protection of CPNI throughout the prior calendar year.